

REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed June 7, 2004. At the time of the Office Action, Claims 1-48 were pending in the Application. Applicant amends Claims 1, 14, 27, and 40 without prejudice or disclaimer. The amendments to these claims are not the result of any prior art reference and, thus, do not narrow the scope of any of the claims. Furthermore, the amendments are not related to patentability issues and only further clarify subject matter already present. All of Applicant's amendments have only been done in order to advance prosecution in this case. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Consideration of Information Disclosure Statement

Applicant has submitted an Information Disclosure Statement (IDS) with this Response. Applicant respectfully requests the Examiner to review this IDS and to formally indicate that these materials have been considered in the context of the pending prosecution.

Section 102 Rejections

The Examiner rejects Claims 1-40, 43-44, and 48 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,529,491 issued to Chang et al. (hereinafter "*Chang*"). This rejection is respectfully traversed for the following reasons.

Independent Claim 1 recites a method for detecting a wireless network that includes "scanning for the specified network in response to at least determining that the mobile device is within the coverage area of the specified network, wherein a decision as to whether to scan, by the mobile device, for the specified network is based on a distance between the location of the mobile device and a location of the specified network." By contrast *Chang* fails to offers any system that provides for a decision as to whether to scan, by the mobile device, for the specified network being based on a distance between the location of the mobile device and a location of the specified network. The Examiner has failed to cite any portion of *Chang* that offers such a disclosure. Moreover, at the [purportedly relevant] portion of *Chang* cited by the Examiner, *Chang* provides an operation associated with FIG. 2 of *Chang*; but that discussion fails to reveal any teachings associated with the above-identified limitation. Accordingly, Independent Claim 1 is patentable over *Chang* for at least this reason.

Additionally, Independent Claims 14, 27, and 40 include a similar limitation and, thus, are also allowable over *Chang* for similar reasons. In addition, the corresponding dependent claims associated with these Independent Claims are also patentable over *Chang* for analogous reasons.

Section 103 Rejections

The Examiner also rejects Claims 41-42 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of U.S. Patent No. 6,246,875 issued to Seazholtz, et al. (hereinafter "*Seazholtz*").

The Examiner rejects Claims 45 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of U.S. Patent No. 5,613,199 issued to Yahagi (hereinafter "*Yahagi*").

The Examiner rejects Claims 46 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of U.S. Patent No. 6,115,582 issued to Ishida (hereinafter "*Ishida*").

The Examiner rejects Claims 47 under 35 U.S.C. §103(a) as being unpatentable over *Chang* in view of U.S. Patent No. 6,278,877 issued to Brederveld et al. (hereinafter "*Brederveld*"). These rejections are respectfully traversed.

The Independent Claims have been shown to be allowable in the analysis above, as they are distinguishable over *Chang*. Furthermore, these secondary references do not provide any disclosure that is combinable with *Chang* that could inhibit the patentability of the pending claims. Thus, the Examiner has failed to satisfy each of the elements of non-obviousness, which are required to support a proper §103 analysis according to MPEP §2143. Accordingly, these rejected claims are also allowable over the references cited by the Examiner based on, at least, this reason. Thus, all of the pending claims have been shown to be allowable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of the pending claims.


CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant submits herewith a check in the amount of \$180.00 to cover the cost of the IDS filing fee. The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at the number provided below.

Respectfully submitted,
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